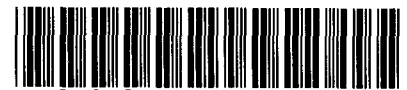




ORIGINAL INTERVENTION



0000080039

DEPARTMENT OF THE ARMY
UNITED STATES ARMY LEGAL SERVICES AGENCY
901 NORTH STUART STREET
ARLINGTON VA 22202-1837

RECEIVED

18

REPLY TO
ATTENTION OF

December 18, 2007

2007 DEC 20 P 3:00

RECEIVED
SECRETARY

Regulatory Law Office
U 4180

Subject: In The Matter Of The Application Of Tucson Electric Power Company For Approval Of Its Renewable Energy Standard And Tariff Implementation Plan, Arizona Corporation
Commission Docket No. E-01933A-07-0594

Arizona Corporation Commission

DOCKETED

DEC 20 2007

Arizona Corporation Commission
Docket Control
1200 West Washington Street
Phoenix, Arizona 85007

DOCKETED BY	nr
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Enclosed for filing with the Arizona Corporation Commission are the original and thirteen copies of the Motion For Leave To Intervene of the Department of Defense in the subject proceeding.

By copy of this letter we are requesting that Tucson Electric Power Company serve a copy of the subject Application and related filing documents on:

Mr. Dan Neidlinger
Neidlinger & Assoc.
3020 N. 17th Drive
Phoenix, Arizona 85015
Telephone: (602) 258-2343
Fax: (602) 271-0798
E-mail: dneid@cox.net

Copies of this Motion have sent in accordance with the attached Certificate of Service. Inquiries concerning this matter may be directed to the undersigned at (703) 696-1644.

Sincerely,

Peter Q. Nyce Jr.
General Attorney
Regulatory Law Office

Enclosure

BEFORE THE ARIZONA CORPORATION COMMISSION

MIKE GLEASON, Chairman
WILLIAM A. MUNDELL
JEFF HATCH-MILLER
KRISTIN K. MAYES
GARY PIERCE

IN THE MATTER OF THE APPLICATION OF) DOCKET NO. E-01933A-07- 0594
TUCSON ELECTRIC POWER COMPANY FOR)
APPROVAL OF ITS RENEWABLE ENERGY)
STANDARD AND TARIFF IMPLEMENTATION)
PLAN)

MOTION FOR LEAVE TO INTERVENE

Terrance A. Spann
Chief
Regulatory Law Office
Office of the Judge Advocate General
Department of the Army
Litigation Center
JALS-RL, Suite 713
901 N. Stuart Street
Arlington, VA 22203-1837

by

Peter Q. Nyce, Jr.
General Attorney

Dated: December 19, 2007

BEFORE THE ARIZONA CORPORATION COMMISSION

MIKE GLEASON, Chairman
WILLIAM A. MUNDELL
JEFF HATCH-MILLER
KRISTIN K. MAYES
GARY PIERCE

IN THE MATTER OF THE APPLICATION OF) DOCKET NO. E-01933A-07- 0594
TUCSON ELECTRIC POWER COMPANY FOR)
APPROVAL OF ITS RENEWABLE ENERGY)
STANDARD AND TARIFF IMPLEMENTATION)
PLAN)

MOTION FOR LEAVE TO INTERVENE

The Secretary of Defense, through duly authorized Counsel and on behalf of the consumer interests of the United States Department of Defense, (DOD), requests leave to intervene in the above-styled Proceeding, Docket No. E-01933A-07-0594 of the Tucson Electric Power Company (TEP). The DOD is a party to TEP Docket Nos. E-01933A-05-0650 and E-01933A-07-0402. As grounds for this Motion, DOD states:

I

That it is duly authorized by law to make and file this Motion.

II

That the name, address and telephone/fax numbers of the person to whom communications in regard to this Motion should be addressed is:

Mr. Peter Q. Nyce, Jr.
General Attorney, Regulatory Law Office
Office of the Judge Advocate General
Department of the Army
901 North Stuart Street, Room 713
Arlington, VA 22203-1837
Telephone: (703) 696-1644
Fax: (703) 696-2960
E-mail: peter.nyce@hqda.army.mil

Also we would respectfully request the addition to the Commission's official service list of:

Mr. Dan Neidlinger
Neidlinger & Assoc.
3020 N. 17th Drive
Phoenix, Arizona 85015
Telephone: (602) 258-2343
Fax: (602) 271-0798
E-mail: dneid@cox.net

III

That the United States maintains certain military installations and civilian agency activities with the State of Arizona, a number of which obtain electric service from Tucson Electric Power company.

IV

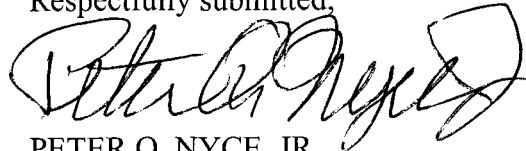
The DOD purchases large quantities of electric service from the Company in Arizona. Among the major federal facilities receiving electric service from Tucson Electric Power Company are: Fort Huachuca and Davis Monthan Air Force Base. DOD is thus a customer with a significant economic interest in this proceeding and will be affected by its outcome.

V

That the interest of DOD is such that it cannot be adequately protected by any other party. The load factor, characteristics, and rate schedules upon which these facilities buy power make their usage distinct from other large customers. DOD installations have substantial investments in electric utility distribution plant, and a moderate load factor similar to that of a municipal utility. The DOD may present evidence that will be of value to the Commission in its determination of the issues involved in this proceeding. The intervention of the DOD will neither unduly broaden the issues nor unduly delay the proceeding.

WHEREFORE, the DOD, prays for leave to intervene and to be treated as a party hereto with right to have notice of and appear at the taking of testimony, produce and cross-examine witnesses, and be heard in person or by counsel, upon brief and at oral argument, if oral argument is granted.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Peter Q. Nyce, Jr.", written in a cursive style.

PETER Q. NYCE, JR.
General Attorney
Regulatory Law Office
Office of the Judge Advocate General
Department of the Army
901 North Stuart Street
Arlington, VA 22203-1837

For

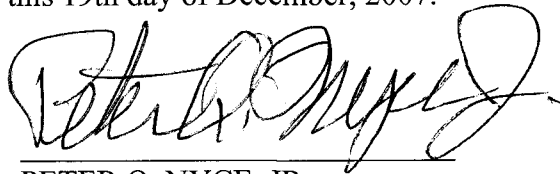
THE DEPARTMENT OF DEFENSE

Dated: Arlington, Virginia this nineteenth day
Of December, 2007.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Motion for Leave to Intervene of the United States Department of Defense was sent to the parties on the attached service list either by United Parcel Service Next Day Air or by first class mail, postage prepaid on December 19, 2007

Dated at Arlington County, Virginia, this 19th day of December, 2007.

A handwritten signature in black ink, appearing to read "Peter Q. Nyce, Jr.", written over a horizontal line.

PETER Q. NYCE, JR.

DOCKET NO.E-01933A-07-0594

Michael W. Patten
Roshka Dewulf & Patten
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Phoenix, Arizona 85004

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Jane L Rodda
Administrative Law Judge
Hearings Division
400 West Congress
Tucson, Arizona 85701-1347

Mr. Peter Q. Nyce, Jr.
General Attorney, Regulatory Law Office
Office of the Judge Advocate General
Department of the Army
901 North Stuart Street, Room 713
Arlington, VA 22203-1837

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